



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North
Fillmore, Utah 84631



In Reply Refer to:
3809 (UTW02000)
UTU-70674-01

July 2, 2010

CERTIFIED MAIL # 7007 1490 0004 7118 2432
RETURN RECEIPT REQUESTED

DECISION

DALE ROGERS
455 N MAIN
MILFORD UT 84751

43 CFR 3809 - Surface Management Plan

RECEIVED

JUL 06 2010

DIV. OF OIL, GAS & MINING

Determination of Required Financial Guarantee Amount

Bureau of Land Management (BLM) case file number UTU 70674-01, your Plan of Operation (Plan) for Multi-Colored Green Building Stone underwent inspection on June 23, 2010. The purpose of the inspection was to insure compliance with the Surface Management Regulations at 43 CFR § 3809 and to update the surety bond requirements for the operation.

Jerry Mansfield, Geologist for the BLM Fillmore Field Office (FFO) and John Rogers of the Utah Division of Oil, Gas, and Mining (UDOGM) were on site for the inspection. I understand in recent communication with UDOGM you expressed that you had transferred your interest in the operation to Mr. Lyle Jessop. Mr. Jessop was on site at the time of the inspection and confirmed your intent to transfer. BLM has not received the required documentation for such a transfer of operation or responsibility and carries you as the current operator of record with the responsibility to reclaim the site. The inspection also found that the current area approved for use and occupancy at the operation is not being used and your use and occupancy has been moved to an area that is not approved for such use. I recommend that you submit an amendment to the Plan and include any changes in the mining claims, operator, responsibility for previous operations, and operating procedures; failure to do so may result in issuance of notice of noncompliance.

Your notice proposes ten acres of disturbance in the SE1/4 of section 35, T. 25 S., R. 13 W. When the financial guarantee currently being held was calculated in 2003 the disturbance at the site consisted of approximately 3 acres. The current disturbance at the site is 4.75 acres, which along with cost adjustments leaves the current financial guarantee wholly inadequate.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,

Randy Beckett - Asst. FOM
for

Patricia M. Bailey
Acting Field Manager

Enclosure: Form 1842-1

cc:

John Rogers

UDOGM

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